

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

LEROY AROCHA,

*Plaintiff,*

v.

MORNINGSIDE MINISTRIES,

*Defendant.*

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Civil Action No. SA-18-CV-1251-XR

**ORDER**

On this day, the Court considered the United States Magistrate Judge's Report and Recommendation, filed March 8, 2019, in the above-numbered and styled case. Docket no. 8. The Magistrate Judge recommends dismissing this case with prejudice as frivolous and for failure to state a claim upon which relief may be granted.

Any party who desires to object to a Magistrate Judge's findings and recommendations must serve and file written objections within fourteen days after being served with a copy of the findings and recommendations. 28 U.S.C. § 636(b)(1). The Magistrate Judge's recommendation was filed and mailed to Plaintiff on March 8, 2019. Docket no. 8. No objection has been filed.

"Where no party has objected to a Magistrate Judge's Report and Recommendation, the Court need not conduct a de novo review . . . . In such cases, the Court need only review the Report and Recommendation and determine whether they are clearly erroneous or contrary to law."

*Johnson v. Sw. Research Inst.*, 210 F. Supp. 3d 863, 864 (W.D. Tex. 2016) (citing *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989)).

The Magistrate Judge found that Arocha provided no factual support for his claim against Morningside Ministries for national-original discrimination under Title VII of the Civil Rights Act of 1964. Docket no. 8 at 2. The Magistrate Judge ordered that Arocha file a more definite statement that includes sufficient facts to support this claim (docket no. 5), but Arocha did not do so, nor did Arocha respond to the Magistrate Judge's order to show cause why this case should not be dismissed (docket no. 7). Now, the Magistrate Judge recommends dismissal because Arocha did not file his action within 90 days after receiving statutory notice of his right to sue from the Equal Employment Opportunity Commission, nor did Arocha provide any facts to support a right to equitable tolling.

The Court has reviewed the Report and Recommendation and finds it to be neither clearly erroneous nor contrary to law. *See Wilson*, 864 F.2d at 1221. Accordingly, the Court ACCEPTS the Magistrate Judge's recommendation. This case is DISMISSED WITH PREJUDICE as frivolous and for failure to state a claim upon which relief may be granted. The Clerk will close the case.

It is so ORDERED.

SIGNED this 5th day of April, 2019.

A handwritten signature in black ink, appearing to read 'Xavier Rodriguez', written over a horizontal line.

XAVIER RODRIGUEZ  
UNITED STATES DISTRICT JUDGE